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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,410	03/12/2007	Shmuel Wolf	15872.017	8811
27887	7590	04/15/2010		
FENNEMORE CRAIG 3003 NORTH CENTRAL AVENUE SUITE 2600 PHOENIX, AZ 85012			EXAMINER KUBELIK, ANNE R	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 04/15/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10588410	3/12/2007	WOLF ET AL.	15872.017

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3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, AZ 85012

EXAMINER

Anne R. Kubelik

ART UNIT	PAPER
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1638

20100326

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Request for Information under 37 CFR § 1.105

1. The request for information mailed 1 December 2009 is withdrawn in favor of the one below:
2. Applicant and the assignee of this application are required under 37 CFR § 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. This request is being made for the following reasons:

Applicant is claiming a watermelon variety with fruit with an average fructose content of at least 60%, a average sucrose content of at least 65% or an average fructose + sucrose content of at least 90%; however, the instant specification is silent about what starting materials and methods were used to produce the varieties in the specification that fall within the scope of these claims (that is, lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6)). The requested information is required to make a meaningful and complete search of the prior art.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

(i) Please supply the breeding methodology and history regarding the development of lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6).

a) Such information should include all of the public or commercial designations/denominations used for the original parental lines for each of lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6).

b) Information pertaining to the public availability of the original parental lines should be set forth.

c) The breeding method used should be set forth, such as whether single seed descent, bulk method,

backcross method, or some other method was used.

d) The filial generation in which lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6) were chosen should be set forth.

e) Information pertaining to the homozygosity or heterozygosity of the parents as well as lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6) should be set forth.

ii) Are there any patent applications or patents in which sibs or parents of lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6) are claimed? If so, please set forth serial numbers and names of the sibs or parents.

If Applicant views any or all of the above requested information as a Trade Secret, then Applicant should follow the guidance of MPEP § 724.02 when submitting the requested information. If any part of the response is marked DO NOT SCAN, Applicant is reminded that a cover letter, not so marked, is to be included.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure. Please indicate where the relevant information can be found.

The fee and certification requirements of 37 CFR § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR § 1.105 are subject to the fee and certification requirements of 37 CFR § 1.97 if submitted subsequent to a first Office action on the merits.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR § 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (571) 272-0801. The examiner can normally be reached Monday through Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Anne R Kubelik/
Primary Examiner, Art Unit 1638


ANNE MARIE GRUNBERG
SUPERVISORY PATENT EXAMINER